AMENDMENTS TO THE DRAWINGS

The attached sheet of drawings includes a rescanned version of Figure 2 to correct the skewed drawing appearing in the record. This sheet, which includes Figure 2, replaces the original sheet including Fig. 2.

Attachment: Replacement Sheet

REMARKS

The Non-Final Office Action mailed August 10, 2007 considered claims 36-46. Claim 46 was objected to because the specification fails to provide proper antecedent basis for the claimed subject matter. Claims 36-46 were rejected under 35 U.S.C. 103(a) as being unpatentable over Avvari (US 7,165,074) hereinafter *Avvari '074* in view of Aridor et al. (US 2005/0028143) hereinafter *Aridor*. Claims 36 and 46 were rejected under 35 U.S.C. 103(a) as being unpatentable over Avvari (US 6,978,401) hereinafter *Avvari '401* in view of *Aridor*.[1]

By this paper, independent claim 46 has been amended, and claims 36-46 remain pending in the application.

Claim 46 was objected to. Claim 46 has been amended as suggested by the Examiner.

Each of the independent claims was rejected under 35 USC 103 in view of *Aridor*. Applicant notes that *Aridor* was published on February 3, 2005, more than 15 months after the filing date of the present application (September 30, 2003). However, *Aridor* was filed on July 31, 2003, about two months before the filing of the present application. Based on the publication date of *Aridor*, if *Aridor* could qualify as prior art, it could only do so only under 35 USC 102(e). However, applicant reduced the present invention to practice prior to the filing date of *Aridor*. As such, Aridor does not qualify as prior art under 35 USC 102(e) which states that "the invention was described in an application for patent, published under section 122(b) by another filed in the United States ***before the invention*** by the applicant for patent..."(emphasis added). Submitted herewith is a Declaration under 37 CFR 1.131 declaring that the invention as claimed in the present application was reduced to practice before the filing of *Aridor*. Further, Exhibit A submitted herewith includes evidence establishing at least one instance of a reduction to practice. Exhibit A includes a specification describing embodiments of the invention. The included specification was last edited on March 3, 2003, more than 3 months prior to the filing of *Aridor*. Exhibit A further includes actual source code that implements embodiments of the invention. The source code date included in Exhibit A is included in the specification last edited on March 3, 2003 and itself is dated February 17, 2003, several months prior to the filing of *Aridor*.

[1] Although the prior art status of the cited art is not being challenged at this time, Applicant reserves the right to challenge the prior art status of the cited art at any appropriate time, should it arise. Accordingly, any arguments and amendments made herein should not be construed as acquiescing to any prior art status of the cited art.

Applicant respectfully submits that the evidence presented is sufficiently persuasive to show that the present invention was reduced to practice prior to the filing of *Aridor*. As such, *Aridor* should be removed as a reference.

In view of the foregoing, Applicant respectfully submits that the other rejections to the claims are now moot and do not, therefore, need to be addressed individually at this time. It will be appreciated, however, that this should not be construed as Applicant acquiescing to any of the purported teachings or assertions made in the last action regarding the cited art or the pending application, including any official notice. Instead, Applicant reserves the right to challenge any of the purported teachings or assertions made in the last action at any appropriate time in the future, should the need arise. Furthermore, to the extent that the Examiner has relied on any Official Notice, explicitly or implicitly, Applicant specifically requests that the Examiner provide references supporting the teachings officially noticed, as well as the required motivation or suggestion to combine the relied upon notice with the other art of record.

In the event that the Examiner finds remaining impediment to a prompt allowance of this application that may be clarified through a telephone interview, the Examiner is requested to contact the undersigned attorney at 801-533-9800.

Dated this 30th day of October, 2007.

Respectfully submitted,

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